

**SEALED**

AO 91 (Rev. 11/11) Criminal Complaint

**UNITED STATES DISTRICT COURT**

for the

Southern District of Texas

United States Courts  
Southern District of Texas  
FILED

MAY 16 2019

David J. Bradley, Clerk of Court

United States of America

v.

Casimiro OLIVAREZ

Case No.

2:19mj2006

Defendant(s)

**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 7, 2019 in the county of Live Oak in the  
Southern District of Texas, the defendant(s) violated:*Code Section*

18 U.S.C. § 922(g)(1)

*Offense Description*

Possessed 1,180 rounds of Winchester .223 caliber ammunition, which was manufactured outside of Texas, thereby traveling in and affecting interstate commerce, after being convicted of a crime punishable by a term exceeding one year.

This criminal complaint is based on these facts:

See attached Affidavit

☒ Continued on the attached sheet.

Complainant's signature

Richard Miller, Supervisory Special Agent- ATF

Printed name and title

Sworn to before me and signed in my presence.

Date: May 16, 2019City and state: Corpus Christi, Texas

Judge's signature

B. Janice Ellington, United States Magistrate Judge

Printed name and title

## AFFIDAVIT IN SUPPORT OF AN ARREST WARRANT

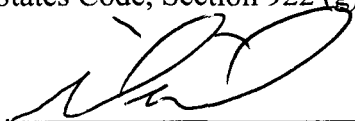
I, Richard Miller, being duly sworn, depose and state that:

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Department of Justice, and have been so employed since July 16, 2001. I am a graduate of the United States Department of Treasury Criminal Investigator Training Program and the ATF National Academy. As a Special Agent with the ATF, I am vested with the authority to investigate violations of Federal laws, including Title 18 and Title 26 United States Code. I know that it is a violation of:

18 USC 922 (g)(1), for any person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year; to possess any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

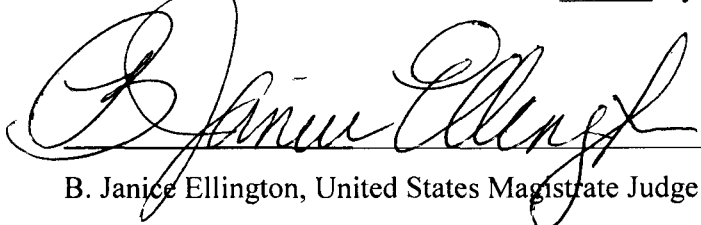
2. Your affiant is familiar with the information contained in this affidavit, either through personal investigation or through discussion with other law enforcement officers, who have participated in and have contributed documentary reports of their investigative efforts in this matter.
3. On May 15, 2019, your affiant reviewed Live Oak County Sheriff's Office offense reports regarding their investigation into an aggravated robbery and vehicle theft that occurred May 7, 2019 in Live Oak County, Texas.
4. The report documents that on May 7, 2019 at approximately 2:45 pm Deputies were dispatched to reports of a vehicle being stolen at gunpoint from a victim located at 6281 U.S. Hwy. 281 (BBQ Wagon Restaurant).
5. Upon arrival, Deputy Andres Flores met with the victim identified as Casimiro OLIVAREZ. OLIVAREZ stated two unknown males stole his pickup from him at gunpoint in the parking lot of the BBQ Wagon Restaurant. OLIVAREZ described his stolen vehicle as a beige in color 2005 4-door Chevrolet pickup. OLIVAREZ stated he was on his way home to Rio Grande City, TX. from San Antonio when he stopped at the BBQ Wagon Restaurant for a sandwich and his pickup was stolen.
6. Later the same date Deputies located OLIVAREZ'S pickup truck abandoned near the location it was stolen from. Deputies impounded the vehicle in order to process the vehicle for evidence. While inventorying the vehicle Deputies located several boxes of Winchester .223 caliber rifle ammunition (totaling 1,180 rounds) inside OLIVAREZ'S vehicle.

7. On May 8, 2019, Investigator Daniel Cadell interviewed OLIVAREZ at the Live Oak County Sheriff's Office. During the interview OLIVAREZ stated On May 7, 2019, he traveled to San Antonio to deliver a motor to a friend. OLIVAREZ stated while in the San Antonio he purchased four cases of ammunition from a friend. OLIVAREZ stated that ammunition was in his pickup when it was stole along with some .40 caliber pistol ammunition in a .40 caliber pistol "clip". Investigator Cadell asked OLIVAREZ if he has a .40 caliber pistol for the "clip" and he stated yes he has an FNX .40 caliber handgun.
8. On May 15, 2019, Live Oak County Investigator Lance Rathke made contact with your affiant requesting ATF assistance with this investigation. Investigator Rathke stated OLIVAREZ is a previously convicted felon and was in possession of 1,180 rounds of Winchester .223 caliber ammunition in Live Oak County on May 7, 2019. Investigator Rathke also stated Live Oak County S.O. is in possession of the ammunition found in OLIVAREZ'S vehicle on May 7, 2019.
9. NCIC and Bexar County Texas District Clerk records reflect Casimiro OLIVAREZ has the following previous felony conviction:
  - Cause # 1999-CR-5168 Possession of a Controlled Substance Felony 3  
Convicted 9/15/2000. Sentenced to 4 years in State prison.
10. On May 15, 2019, your affiant consulted with ATF Special Agent David Taylor, Interstate Nexus Expert, regarding the ammunition possessed by OLIVAREZ described above. S/A Taylor determined the ammunition was manufactured outside the state of Texas, therefore affecting interstate commerce when the ammunition arrived in the state of Texas.
11. Based on the above information, your affiant believes Casimiro OLIVAREZ possessed ammunition manufactured outside the State of Texas, after having been convicted of a crime punishable by a term of imprisonment exceeding one year, which is in violation of Title 18, United States Code, Section 922 (g)(1).



Richard Miller,  
Supervisory Special Agent, ATF

Sworn to and subscribed before me this 16th day of May, 2019.



B. Janice Ellington, United States Magistrate Judge